

NOTICE OF TORT CLAIM FORM (for Property Damage & Personal Injury)

Anyone who has a claim for personal injury or property damage against the State of Indiana must either use this form to file a claim or make the claim in writing as prescribed in IC 34-13-3, and the following rules:

--KEEP A COPY OF YOUR CLAIM FORM, YOUR RECEIPTS FOR YOUR BILLS, YOUR ESTIMATES FOR REPAIR, AND YOUR CERTIFIED OR REGISTERED MAIL RECEIPT.

--IF YOUR CLAIM IS PROPERLY FILED, the Office of the Attorney General will investigate it, and will notify you, in writing, within 90 days of receipt, of approval or denial of your claim.

--DO NOT DELAY IN MAKING YOUR CLAIM. Indiana law gives you only 270 (TWO HUNDRED SEVENTY) days after the date of loss to make a claim, and, it must comply with IC 34-13-3.

--THE FILING OF THIS CLAIM IS PART OF A LEGAL PROCESS. If you have any questions about the correct way to file a claim, you should contact an attorney of your choice. By law, the state's attorneys are not authorized to assist you with filing this claim.

--For your information, the following is a list of actions or conditions resulting in nonliability (pursuant to Indiana Code):

A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from:

- (1) the natural condition of unimproved property;*
- (2) the condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose which is not foreseeable;*
- (3) the temporary condition of a public thoroughfare that results from weather;*
- (4) the condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area;*
- (5) the initiation of a judicial or an administrative proceeding;*
- (6) the performance of a discretionary function;*
- (7) the adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment;*
- (8) an act or omission performed in good faith and without malice under the apparent authority of a statute that is invalid, if the employee would not have been liable had the statute been valid;*
- (9) the act or omission of anyone other than the governmental entity or the governmental entity's employee;*
- (10) the issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law;*
- (11) failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety;*
- (12) entry upon any property where the entry is expressly or impliedly authorized by law;*
- (13) misrepresentation if unintentional;*
- (14) theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission;*
- (15) INJURY TO THE PERSON OR PROPERTY OF A PERSON UNDER SUPERVISION OF A GOVERNMENTAL ENTITY and who*
 - (A) is on probation; or*
 - (B) is assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10 8, or a community corrections program under IC 11-12;*
- (16) design of a highway (as defined in IC 9-13-2-73), if the claimed loss occurs at least twenty (20) years after the public highway was designed or substantially redesigned; except that this subdivision shall not be construed to relieve the responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition; or*
- (17) development, adoption, or implementation, operation, maintenance, or use of an enhanced emergency communication system.*
- (18) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-8.1-5.1-67(b).*
- (19) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-8.1-5.1-7(b).*



STATE OF INDIANA
CLAIM FOR PERSONAL INJURY OR PROPERTY DAMAGE
PLEASE PRINT

1. Claimant Name: _____ Driver's License #: _____
2. Date & Time of Loss: _____
3. Exact Location of Loss (include COUNTY, Town, Street, & nearest Crossroad): _____

4. Dollar Amount of Loss: _____
5. State Agency Involved & State Vehicle Commission # (if known): _____

6. Names & Addresses of All Persons Involved (if known): _____

7. Home Address of Claimant at Time of Loss: _____

8. Claimant's Current Address (if different than #7) & Home & Work Phone Numbers: _____

Home #: () _____ Work #: () _____
9. Alleged Negligence: _____
10. Explanation of What Happened (use additional sheets if necessary): _____

PLEASE READ: *I swear & affirm under the penalties for perjury that the foregoing information is true & correct to the best of my knowledge & belief.*

CLAIMANT'S SIGNATURE

DATE

PLEASE INCLUDE COPIES OF ACCIDENT REPORT, VEHICLE REGISTRATION, PAID RECEIPTS FOR REPAIR OR TWO ESTIMATES FOR REPAIR, MEDICAL REPORTS, PHOTOGRAPHS, & ANY ADDITIONAL DOCUMENTATION IN REFERENCE TO THIS MATTER, and mail* to:

Office of the Attorney General
ATTN: Tort Claim Investigations
302 W. Washington Street 5th Floor
Indianapolis, IN 46204

**State Statute requires claim be mailed via CERTIFIED or REGISTERED mail.*